

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JOHN EDWARD MELENDEZ,

Plaintiff,

-against-

20 **CIVIL** 6620 (PAC)

**JUDGMENT**

SIRIUS XM RADIO, INC.,

Defendant.  
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated June 24, 2021, Sirius' motion to dismiss Plaintiff's Amended Complaint is GRANTED, with prejudice. Melendez's claims, which would, if successful, affect a work within the subject matter of copyright, seek to enforce rights that are qualitatively equivalent to those reserved to copyright holders. Because Plaintiff's claims are "clearly preempted by federal law," the Court "need not grant leave to amend." Cortese v. Skanska Koch, Inc., No. 20-cv-1632, 2021 WL 429971, at \*18 (S.D.N.Y. Feb. 8, 2021). Repleading would be futile, because Plaintiff's claims have a substantive problem rather than an issue of inartful pleading. See Jordan v. Chase Manhattan Bank, 91 F. Supp. 3d 491, 510 (S.D.N.Y. 2015) (citing Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000)). The dismissal is with prejudice; accordingly, this case is closed.

**Dated:** New York, New York

June 25, 2021

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. mango*

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**Deputy Clerk**